



An  
Bord  
Pleanála

## Inspector's Report ABP-313566-22

### Question

PROTECTED STRUCTURE: The placing of 2 no. free standing detachable steel framed and roofed structures including barrels, benches and planters on the private landings at front of The Merry Cobbler is or is not development or is or is not exempted dev

### Location

78-82, The Merry Cobbler Public House, Irishtown Road, Dublin 4

### Declaration

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

0098/22

Applicant for Declaration

James Stafford

Planning Authority Decision

Is not exempted development

### Referral

James Stafford.

### Referred by

James Stafford.

### Owner/ Occupier

James Stafford.

**Observer(s)**

None.

**Date of Site Inspection**

03.07.2023.

**Inspector**

Fiona Fair

## Contents

1.0 Site Location and Description .....	4
2.0 The Question .....	4
3.0 Planning Authority Declaration.....	4
3.1. Declaration.....	4
3.2. Planning Authority Reports .....	4
4.0 Planning History.....	5
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations .....	7
6.0 The Referral.....	8
6.1. Referrer's Case .....	8
6.2. Planning Authority Response.....	10
6.3. Owner/ occupier's response (where not the referrer) .....	12
6.4. Further Responses.....	12
7.0 Statutory Provisions.....	13
7.1. Planning and Development Act, 2000 .....	13
7.2. Planning and Development Regulations, 2001 .....	13
8.0 Assessment .....	15
8.1. Is or is not development .....	15
8.2. Is or is not exempted development .....	16
8.3. Restrictions on exempted development .....	17
9.0 Recommendation.....	18

### **1.1. Site Location and Description**

- 1.2. The site is located on the eastern side of Irishtown Road and on site is a public house which is a Protected Structure. It is located to the immediate north of residential properties at 84 and 86 Irishtown Road. To the north of the site is Barrack Lane, which allows access onto Bath Street.

## **2.0 The Question**

- 2.1. Whether the placing of 2 no. free standing detachable steel framed and roofed structures including barrels, benches and planters on the private landings at front of The Merry Cobbler, 78 – 82 Irishtown Road, Dublin 4, is or is not development or is or is not exempted development.

## **3.0 Planning Authority Declaration**

### **3.1. Declaration**

“The proposed development is NOT EXEMPTED from the requirement to obtain planning permission under Section 32 of the Planning and Development Act 2000, as amended for the following reason:

It is considered that the proposed works as summarised below (placing of 2 no. free standing detachable steel framed and roofed structures including barrels, benches and planters on the private landings at front of The Merry Cobbler, 78 – 82 Irishtown Road, Dublin 4 it being a Protected Structure) comprise development which would not come within the meaning of section 4(1)(h) and Section 57 of the Planning and development Act (as amended) as these development would materially affect the character of the Protected Structure and therefore would require planning permission”.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The Planning Department Conservation Section compiled the Planners Report. Recommendation that the proposed works as summarised are NOT EXEMPT.
- It is considered that incremental and cumulative impacts of the works are considered to have resulted in a significant visual impact that adversely and materially affects the architectural character of the protected structure.

#### 3.2.2. Other Technical Reports

None

### 4.0 Planning History

**ABP.303282 / SF/552 Licence Application** - Permission refused (dated 02.05.2019) for a licence to the placement of street furniture outside of Gastropub at the Merry Cobbler, 78-82 Irishtown Road, Dublin 4. (SF/552)

Having regard to the location of the gastropub directly adjacent to residential properties, the Z2 zoning "To protect and/or improve the amenities of residential conservation areas", the planning history (An Bord Pleanála appeal reference number 29A.LC2067, planning register reference number SF552) and the guidance in Section 9.5.8 of the Development Plan for the appropriate location of development in noise sensitive locations, it is considered that the proposed development, consisting of an outdoor seating area for 16 people, would seriously injure the residential amenities of the adjoining properties. To grant a licence would, therefore, be contrary to the proper planning and sustainable development of the area.

**Reg Ref. 4585/17 – Refuse Retention Permission-** 2 no. horizontal sliding sash windows installed in the front ground floor façade for one reason relating to negative impact on the character and setting of the protected structure. 29A.LC2067 (SF552) – Appeal against refusal Disallowed – Screening/5 Tables/20 chairs/Plant boxes - reasons of impact on the adjoining residential amenity in terms of noise and disturbance.

**29S.246669 (Reg. Ref. No 2485/16) - Spilt decision** to amend condition no 3 relating to opening hours and permission for in house events, where the Board allowed an increase in opening hours by 30 minutes (restricted under Reg. Ref. No 2379/98) and refused to remove the restrictions in condition no 4 of Reg. Ref. No 2379/98, relating to in house events as they would seriously injure the residential amenities of property in the vicinity.

**2379/98** Permission granted to serve food in the new bar and condition no 3 restricted the use of premises to 00.30 and condition no 4 restricted the use of nightclubs or large organised functions. 0498/98 Permission granted for alterations to residents bar and lounge and condition no 2 restricted any nightclub use on the premises.

**Enforcement History, as per detailed in the PA report.**

**E0758/17** Works to a Protected Structure:

The installation of 2 no. horizontal sliding sash windows to the front ground floor façade of The Merry Cobbler Public house, 78 - 82 Irishtown Road, D4 without the benefit of planning permission.

File Open 07 July 2017 still open.

**E0618/19** unauthorised wooden structure provided on flat roof.

File Open 08 July 2017 still open.

**E1210/19** Alleged nightclub operating from single storey extension of public house.

File Open 11 December 2019 still open.

**E0140/21** Structure to front erected also barrels provided.

File Open 18 March 2021 still open.

**E0175/21** Smoking area. Unauthorised development comprising: The placing of 2 no. steel frames and roofed structures incl. tables, seating and planters on the private landings to the front of the premises, a protected structure RPS 4006, in the absence of planning permission.

File Open 18 March 2021 still open.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The planning application was considered by the PA under the Dublin City Development Plan 2016 – 2022. However, a new plan has since been adopted on the 14<sup>th</sup> December 2022 and therefore the current statutory City Development Plan is the Dublin City Development Plan 2022-2028.
- 5.1.2. Under the new Plan the site is zoned ‘Residential Neighbourhoods (Conservation Areas)’ – Zone ‘Z2’ Land-Use Zoning Objective ‘Z2’: ‘To protect and/or improve the amenities of residential conservation areas’.
- 5.1.3. Section 14.7.2 of the Plan states:

“Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. Chapters 11: Built Heritage and Archaeology, and Chapter 15: Development Standards, detail the policies and objectives for residential conservation areas and standards, respectively. Volume 4 of this plan contains the Record of Protected Structures.

The principal land-use encouraged in residential conservation areas is housing but can include a limited range of other uses. In considering other uses, the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.”

### **5.2. Natural Heritage Designations**

- 5.2.1. South Dublin Bay and River Tolka SPA (code 004024) c.750m to southeast and South Dublin Bay SAC (code 000210) c. 700m to southeast

### **5.3. EIS Screening**

- 5.3.1. Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Referral**

### **6.1. Referrer's Case**

A Referral has been submitted by Simon Clear & Associates on behalf of James Stafford, The Merry Cobbler, 78 – 82 Irishtown, Dublin 4. It is summarised as follows:

- Whether the placing of 2 no. free standing detachable steel framed and roofed structures including barrels, benches, and planters on the private landings at front of The Merry Cobbler Public House, is or is not development and is or is not exempted development.
- DCC has confirmed that the area in from of the premises is not public footpath and DCC has not granted licenses for the furniture for this reason.
- The area on which the items have been placed are considered to be 'private landings' at the front of the premises, not public domain.
- The premises has an established use as a public house with restaurant and the established use includes the private landings.
- The area subject to the outdoor customer use has historically been used and furniture has been provided there.
- The report on the request for Section 5 Declaration was prepared by an Acting Executive Conservation Architect and focussed entirely on the potential impact upon the visibility of the front of the premises, which is a Protected Structure.
- The assessment by DCC did not follow a normal declaration procedure. Is there development, what is the nature of the development – does it constitute works or material change of use, or both. If it is development, is it exempted development.



The DCC report made no reference to the definition of development in section 3 of the Planning Act 2000, as amended or of 'works' as defined in Section 2.

- There is no reference to current Regulations or Guidelines in operation at the time of making the Declaration, or Government Policy (Section 28) and other clarification (Circular Letter PL06/2021) provided by the Department of housing Local Government and Heritage (DHLGH) relating to the operation of the Planning Acts during Covid 19.
- This referral is sought as it is considered that the current items are placed externally and are not attached to the structure.
- No 'works' were involved in their placement, even taking into account that the building behind is a Protected Structure.
- No fixings were mentioned in the question posed and no fixings exist on the front of the premises.
- The entire premises has been upgraded since its purchase by the current owners in 2016. Other issues of enforcement referred to in the DCC report have been resolved and enforcement files indicated as 'open' should be considered 'closed.'
- Government Section 28 Guidelines issues on 29<sup>th</sup> March 2020 contained an Introduction and Background indicating how the Planning and Development Act operates to provide 'in the interests of the common good', for proper planning and sustainable development...and noted that there were changes due to Covid in how people congregate and socialise, with consequential changes in behaviour and activity – with businesses and employers having to alter previous work practices to ensure safety of staff and customers including facilitating social distancing.
- The introductory guidance cited the discretion available to PA's when deciding to pursue, or not, enforcement after investigation.
- The shelter and furniture placed on the land is in line with Failte Ireland best practice.
- Awnings, canopies, parasols, shades, windbreakers, heaters, coverings, or other similar structures for the purpose of facilitating outdoor dining is development which

requires a licence in situations where tables and chairs are also licenced under section 254 of the Planning and Development Act 2000.

- These items are generally exempted and are subject to licence when located on public roads, subject to observance of restrictions on exempted development under Article 9 of the Planning and Development Regulations 2001, as amended. None of the relevant restrictions apply in the subject case.
- No 'works' as defined in section 2 of the Planning and Development Act have been undertaken.
- No 'development' as defined in section 3 of the Planning and Development Act has been carried out as there are no 'works' and no 'material change in the use of any structure or land'
- The free-standing demountable structures are freestanding, are not enclosed and are not attached to the building.
- The structures are not permanent and can easily be removed.
- The emphasis on outdoor dining has increase with Government approval and legal change in light of the ongoing Covid Pandemic, which has not abated in 2022.
- There is a general lack of outdoor dining in the Irishtown Area.
- The entire premises has an established use as a public house and an established patten of use.
- There has been no material change in the use.
- There are currently no enforcement proceeding undertaken or in progress for prosecution of DCC in respect of planning matters.

## **6.2. Planning Authority Response**

- It is standard practice in the Planning and Property Development Department that Section 5 applications relating to Protected Structures are dealt with by this unit.
- In accordance with established practice the section 5 Declaration application was considered by both the Architectural Conservation Officer and Senior

Planner, who concurred in their decision. The Merry Cobbler Public House is a Protected structure.

- The property is subject to an open enforcement case (Ref: E0140/22 & E0175/22) in relation to the external steel framed structure and associated barrels, planters and benches. A warning letter has been issued by DCC, under section 152 of the Planning and Development Act 200, as amended.
- Section 2 of the Planning and Development Act 2000 defines a 'Protected Structure' as (a) a structure or (b) a specific part of a structure which is included in a record of Protected Structures and, where that record so indicates, includes any specific feature which is within attendant grounds of the structure and which would not otherwise be included in this definition. 'Protection' in relation to a structure or part of a structure, includes conservation preservation and improvement compatible with maintaining the character and interest of the structure or part. The works carried out are not considered compatible with the character of the protected structure as it results in the screening and concealment of the ground floor elevation of the protected structure.
- While it is acknowledged that the items to the front of the shopfront are not attached to the building, they are not considered to respect the architectural design of the structure and entirely screen the ground floor elevation of the building and as a result detract from the architectural character and appearance of the shopfront and the setting of the protected structure.
- Any future proposals for awnings should take into consideration Chapter 12 of the Architectural Heritage Protection Guidelines.
- Planning permission is not exempted development where the proposal would materially affect the character of a protected structure or any element of it which would materially affect the character of a protected structure. Specifically Section 57 of the ACT states that notwithstanding section 4(1) (h) the carrying out of works to a protected structure, or a proposed protected structure, shall be exempt only if those works would not materially affect the character of (a) the structure, or (b) any element of the structure which

contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

- In this case the works are considered to materially affect the character of the protected structure and therefore not considered exempted development.
- The planning authorities decision / opinion has not changed.

### **6.3. Owner/ occupier's response**

- None. Referrer is the owner / occupier

### **6.4. Further Responses**

6.4.1. A response was submitted by Simon Clear on behalf of the referrer James Stafford, Ther Merry Cobbler. It is summarised as follows:

- The DCC response refers to the procedure as a 'first party appeal', which it is not.
- Albeit endorsed by a senior planner, the SP appears to have been indifferent to the fundamental error contained in the Conservation Officers report.
- Errors contained in the DCC response to the Referral
- It is essential that the proper tests be applied in the preparation of reports. The step procedure set out in the grounds of referral is essential.
- The DCC report has strayed away from the declaration / referral rigour and the assessment is based on merit judgements and perceived impacts.
- While it may be the long established practice in the planning and Development Department of DCC that planning issues relating to protected structures are dealt with by the Archaeology, Conservation and Heritage Section, perhaps this practice should be reviewed.
- Conservation officers are not trained or qualified in respect of planning matters.
- Request that the matter be given rigorous assessment in accordance with the law.

- Ref to Grist – An introduction to Irish Planning Law 2<sup>nd</sup> Edition: Berna Grist IPA 2012 refers.

## **7.0 Statutory Provisions**

### **7.1. Planning and Development Act, 2000**

Section 2(1) of the 2000 Planning and Development Act states as follows:-

“In this Act, except where the context otherwise requires – ‘development’ has the meaning assigned to it by Section 3 ...”

In Section 2(1) of the Act “works” are interpreted as including “any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure”.

Section 3(1) of the 2000 Planning and Development Act states as follows:- “In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”

Section 4(2) of the Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations, 2001.

S34 (5) The conditions under subsection (1) may provide that points of detail relating to a grant of permission may be agreed between the planning authority and the person carrying out the development; if the planning authority and that person cannot agree on the matter the matter may be referred to the Board for determination.

### **7.2. Planning and Development Regulations, 2001**

Article 6(1) of the Planning & Development Regulations, 2001 as amended states as follows:-

“Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.”

Article 9(1) of the Planning & Development Regulations, 2001 as amended, provides a number of scenarios whereby development to which article 6 relates shall not be exempted development for the purposes of the Act, which includes at Article 9(1)(a)(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

Article 9(1) of the Regulations states as follows: ‘Development to which article 6 relates shall not be exempted development for the purposes of the Act – a) If the carrying out of such development would –

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

### 7.3. Other Relevant Section 5 Determinations:

**ABP Ref. No. 06D.RL.2986.** Was determined on 11th March, 2013 wherein the Board held that the provision of a partially roofed smoking area to the side and rear at 115 - 116 Coliemore Road, Dalkey, Co. Dublin, was development and was not exempted development.

**ABP Ref. No. 29S.RL.3524.** Was determined on 1st February, 2018 wherein the Board held that the provision of a partial roof structure to replace an existing canopy and metal clad roof structure in an external beer garden at 47 Temple Bar (a protected structure), Dublin, was development and was not exempted development.

**ABP-304824-19** It was determined in 2019 by ABP, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, that the use of the covered outdoor seating area as a Bistro Bar and the uncovered outdoor area as a Bistro Bar seating area is development and is not exempted development. At the 12th Lock Hotel, Old Navan Road, Castleknock, Dublin 15

## 8.0 Assessment

### 8.1. Is or is not development

- 8.1.1. The purpose of this referral is not to determine the acceptability or otherwise of the uses and development in question, in respect of the proper planning and sustainable development of the area, but whether or not the matter in question constitutes development, and if so falls within the scope of exempted development.
- 8.1.2. I note the building is a protected structure.
- 8.1.3. I note that the area on which the items have been placed are considered to be 'private landings' at the front of the premises, not public domain.
- 8.1.4. I note that planning enforcement is a matter for the planning authority and does not fall within the jurisdiction of the Board.
- 8.1.5. The drawing entitled 'existing street furniture layout' Drg. No. 21-6-4-SK2 submitted with the referral indicates 8 barrels, seating benches, planters, bollards and canopies across the front of the Merry Cobbler premises (south) along Irishtown Road and to its west side along Barrack Lane.
- 8.1.6. Section 3 of the Planning and Development Act, 2000, as amended, defines "development" as the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.
- 8.1.7. In my opinion, the placing of 2 no. free standing detachable steel framed and roofed structures including barrels, benches and planters to the front and side of the Merry Cobbler Public house clearly involved an act of development having regard to Section 2 of the Act where "works" are defined as:
- "works" – "includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior to exterior of a structure".
- 8.1.8. The "works" as carried out, in the subject instance, involve construction and an extension to the premises and therefore constitutes development. Accordingly, having established that the steel frames and roof structures over the ground floor

outdoor seating area constitute development, the question arises as to whether or not these works constitute exempted development.

## **8.2. Is or is not exempted development**

- 8.2.1. Having conducted a site inspection, and following a review of the available information, I would advise the Board that whilst the subject matter of the referral under consideration concerns the provision of the 2 no. free standing detachable steel framed and roofed structures including barrels, benches and planters to the front and side of the Merry Cobbler, in my opinion, it is apparent that the aforementioned works are directly related to the use of the external space in question (through the partial enclosure of same) as a outdoor dining / beer garden / smoking area. In this regard, I would suggest that it is appropriate at the outset to consider the planning status of the smoking area.
- 8.2.2. The referrer submits that historically this area has been used as an informal outdoor congregation area for patrons of the pub and no material change in use is proposed.
- 8.2.3. Cognisance is had to the planning history of the site and I note from the Planning Authority's report and response to the referral regarding enforcement case E0175/21 on foot of which a file was opened on the 18th March 2021 and is still open. It considered in the enforcement notice that the area enclosed by the subject works was a 'smoking area'. Cognisance is had to the assortment of barrels, and other seating benches provided within the area, the likelihood that patrons of the premises may opt to consume their drinks within this space, and the referrer's own submission that there is a general lack of 'outdoor dining' in the Irishtown area. It is contended that the entire premises has an established use as a public house and an established pattern of use. That 'shelter and furniture' do not change the use of the area. I would suggest that this roofed area is used in practice as some combination of 'smoking area' and 'outdoor dining' and thus the Board should have regard to same in its determination of the referral.
- 8.2.4. The creation of an external smoking structure and dining area constitutes works and a material change of use within the meaning of Section 3 of the Act. It is my opinion that the works in question are an extension to the floor area of a premises which are external to the structure and are not works for the maintenance and improvement of



the structure, and therefore do not come within the scope of section 4(1)(h) of the Act, on the basis of their not being works for the 'maintenance, improvement or other alteration' of the structure, but rather being works to facilitate a use that might have material planning impacts on properties in the vicinity.

- 8.2.5. I would also refer to RL2986. This referral related to the conversion and use of a former keg store at the side and rear as a smoking area and to the installation of condensers and air handling equipment to the rear and side of a public house. The Board decided that the use of part of the curtilage of the public house of an area that was formerly in use as a keg store and store room, as a sheltered smoking area, was a material change of use as it involved an extension of the footprint of the public area of the public house, and involved consequent intensification of use which had material consequences in relation to the planning of the area. It was therefore development and not exempted development.
- 8.2.6. I consider the development in relation to the current referral is similar involving an extension of the footprint of the public area of the public house and involves consequent intensification of use which had material consequences in relation to the planning of the area. It is therefore development and not exempted development. I would therefore agree with the view stated by the planning authority.

### **8.3. Restrictions on exempted development**

- 8.3.1. Finally, I note that the Merry Cobbler Public house is a protected structure. Regard is had to Circular letter PL06/2021 Takeaway and Outdoor Dining. It is noted that while the structures in question are not attached to the protected structure they are constructed immediately to its front. Regard is also had to The Architectural Protection Guidelines (2011) which states: 'where a building is a protected structure or a proposed protected structure, works which are normally exempt from the requirement of planning permission are not exempted development where they would materially affect the character of a protected structure or any element of it which contributes to its special interest'.
- 8.3.2. Specifically section 57 of the Act states: 'that notwithstanding Section 4(1)(h) the carrying out of works to a protected structure, or a proposed protected structure shall be exempted development only if those works would not materially affect the

character of (a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest’.

- 8.3.3. In this case while the PA consider that the works materially affect the character of the protected structure and therefore are not considered exempted development I consider while secondary to the consideration of an extension to the floor area of the premises and its use, visual impact and architectural character of the protected structure is a valid consideration.

#### 8.4. **Appropriate Assessment:**

- 8.4.1. Having regard to the nature and scale of the development under consideration, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

### 9.0 **Recommendation**

- 9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

**WHEREAS** a question has arisen as to whether the placing of 2 no. free standing detachable steel framed and roofed structures including barrels, benches and planters on the private landings at front of The Merry Cobbler, 78 – 82 Irishtown Road, Dublin 4, is or is not development or is or is not exempted development.

**AND WHEREAS** James Stafford requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 26<sup>th</sup> day of April 2022 stating that the matter was development and was not exempted development:

**AND WHEREAS** James Stafford referred this declaration for review to An Bord Pleanála on the 12<sup>th</sup> day of May 2022.

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area:

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) the provision of 2 no. free standing detachable steel framed and roofed structures including barrels, benches and planters is works and therefore constitutes development within the meaning of sections 2 and 3 of the Planning and Development Act, 2000;
- (b) the said works form an extension to the floor area of a public house premises which give rise to a formal smoking and dining

area which in turn forms part of the public area of the public house and the consequent intensification of use has material consequences in terms of the proper planning and sustainable development of the area;

- (c) the use of the dining area / beer garden / smoking area, would constitute development, being the making of a material change in the use of land within the meaning of section 3 of the Planning and Development Act, 2000;
- (d) the existing external dining area / smoking area does not constitute exempted development nor does it have the benefit of a grant of planning permission;
- (e) the works do not come within the scope of section 4(1)(h) of the said Act, not being works for the maintenance, improvement or other alteration of the structure but rather being works to facilitate uses that might have material planning impacts on properties in the vicinity;
- (f) the said development does not come within the scope of the exempted development provisions of the said Act or regulations made thereunder

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Fiona Fair  
Planning Inspector

04.07.2023